

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

NATHANIEL SMITH, JR.,)	
)	
Petitioner,)	
)	
v.)	1:13CV537
)	1:06CR325-1
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

On January 12, 2016, the United States Magistrate Judge's Recommendation was filed and notice was served on Petitioner pursuant to 28 U.S.C. § 636. Petitioner filed objections [Doc. #93] to the Recommendation within the time limit prescribed by Section 636. The Court has reviewed Petitioner's objections *de novo* and finds they do not change the substance of the United States Magistrate Judge's Recommendation [Doc. #91], which is affirmed and adopted.

IT IS THEREFORE ORDERED that Respondent's Motion to Dismiss [Doc. #81] is GRANTED, Petitioner's Motion to vacate, set aside or correct sentence [Doc. #76] is DENIED, and this action is DISMISSED, and that, finding no substantial issue for appeal concerning the denial of a

constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is DENIED.

This the 21st day of July, 2016.

/s/ N. Carlton Tilley, Jr.
Senior United States District Judge